ORIGINAL

# CIVIL RIGHTS COMPLAINT
## 42 U.S.C. § 1983

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PRO SE OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEARIE, J.

MISC 08 608

-------------------------------------------------------x

Bennie Gibson,
Full name of plaintiff/prisoner ID#
Fed R Crim 44 - 28 USC 1654
Plaintiff,

JURY TRIAL DEMAND
YES ✓ NO ____

Fed Rule Civ 38
7th Amendment United States Constitution
Jury Trial Requested

-against-

United States Judiciary Clerks' [redacted] in re'
28 USC 1914 U.S. Attorneys / Plainclothes
Detectives Officers 109 precinct et All
Enter full names of defendants
[Make sure those listed above are
identical to those listed in Part III.]

All are sued in
Individual & Official Capacity
punitive, injunctive, declaratory,
policy considerations

Defendants.

-------------------------------------------------------x

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (✓)

B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: ______________________________

Defendants: ______________________________

2. Court (if federal court, name the district; if state court, name the county)

______________________________

3. Docket Number: ______________________________

4. Name of the Judge to whom case was assigned: ______________

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

______________

6. Approximate date of filing lawsuit: ______________

7. Approximate date of disposition: ______________

II. Place of Present Confinement: Kirby Psychiatric Facility

A. Is there a prisoner grievance procedure in this institution? Yes (✓) No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ( ) No (✓) Non-Applicable - Filed A Writ in State Court To Get out of Asylum because arrests were fraudulent.

C. If your answer is YES,

1. What steps did you take? ______________

2. What was the result? ______________

D. If your answer is NO, explain why not ______________

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (✓) No (✓) I stated to Hospital that I was being falsely arrested but I have to file a claim and to address issue.

F. If your answer is YES, I have filed in Wardens office Writ of Habeas Corpus (Warden of Rikers Island) non mentally ill & being falsely arrested

1. What steps did you take? I filed a Writ but I am not sure whether it (ever) got to Court - ever got to court

2. What was the result? Waiting

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff BENNIE GIBSON

Address Kirby Psychiatric Facility Wards Island Complex NY NY 10035

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

DEF. No 1 COMMISSIONER NYC Police Dept Deputy Commissioner 1 Police Plaza

Defendant No. 1A United States Judicial - Clerk's Branch
+ U.S. Attorney's Office + "in re" 28 USC 1915
147 Pierrepont Ave
Brooklyn NY

Defendant No. 2 Plainclothed detectives and uniformed officers Queen from 109 precinct and Brooklyn,
Union St. Flushing NY

Defendant No. 3 The City Municipality of New York → Counsel / Corporation 100 Church Ave NY NY

3A District Attorney Richard Brown and Assistant DA
Queens County

(Private)

Defendant No. 4 (Defense Attorney named "Salvatore" from 18-B staff
4A Assigned Legal Aid or Queens Law Associates Attorneys
to criminal case

Defendant No. 5 (criminal) Officer from 115 precinct
A reversed litigation in 1999 action commenced
5A reversed Aug 2008
Officers from 109 precinct who took wire from
5B plaintiff and gave it to sanation personnel
Officers of Internal Affairs June 108

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

STATEMENT OF FACTS CONCERNING ARRESTS

1) That plaintiff was arrested in Feb/08 or late Jan/08 for disorderly conduct where plaintiff while walking in Flushing Queens College Pt Blvd found a pair of 8yr old power mirrors to wit plaintiff saw they had a puncture or hole in frame and primer paint job but could be salvageable and picked up while riding bike, plaintiff was stopped surrounded by several plainclothed caucassian officers with weapons drawn who chained plaintiff to a pole while searching area for a car missing mirrors to wit they could not find and then arrested plaintiff for disorderly conduct but only after driving plaintiff to precinct first while searching for car

Police never vouchered (vouchered) bike or tools and stole from plaintiff
Plaintiff case dismissed upon arraignment without 730 CPL ordered
A/C/D Called Internal Affairs - Civillian Complaint Review Board

2) Plaintiff arrested April/08 alleged trespass railroad property in Flushing Queens where NYPD said plaintiff tried to climb a fence where allegations in complaint are not only not true but never state plaintiff on other side of fence or state tresspass (metal grate not actually a fence with 1 inch hole may diamond shaped unclimbable). Plaintiff tried to go to trial only to have court judge order 730 CPL and thrown in Pysch Ward in Brooklyn

3) June/08 Plaintiff had copper wire stolen from him by NYPD 109 precinct. Called Internal Affairs where wire was given to Sanitation Dept. Plaintiff called Internal Affairs several times and Civillian complaint Board because precinct would not allow plaintiff to file complaint.

4) Plaintiff arrested Long Island City Railroad Ave for alleged criminal trespass although no fence nor trespass notice available on Aug 15/08. Plaintiff then accused of running from NYPD on June 21st 2008 with 250ft of wire which then changed to 2ft and leaving tools near bridge

5) when plaintiff tried to file complaint DENIED Right AND INTERNAL Affairs swicthed complaint to MTA no evidence vouchers produced.

IN all but one incident plaintiff thrown in pysch ward to cover up incident.

August 2008 Appellate Division overturned a CASE IND 581-99 which placed plaintiff in office of Mental Health.

Respectfully

[signature]

Gibson Bennie

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

SEE ATTACHED

IV. A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

V. Relief:

State what relief you are seeking if you prevail on your complaint.

Institute Civil Litigation to the sum of 40,000,000 for false arrest filing false affidavit, Fraud, Unlawful imprisonment, Unjustified Arrest, Malicious Prosecution, Abuse of Process, Conspiracy to Violate Due Process, Slander Involuntary Commitment, Intentional Infliction Emotional Distress, Medical Malpratice pursuant to Federal 4th, 5th, 8th, 14th Constitutional Jurisprudence Art Isec 11 NYS C. Denial of Procedural Due Process NYPD Police Misconduct.

I declare under penalty of perjury that on Oct 28/2008, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern District of New York.

Signed this 28th day of Oct, 2008. I declare under penalty of perjury that the foregoing is true and correct.

Bennie Gibson
Signature of Plaintiff

Kirby Psychiatric
Name of Prison Facility

Wards Island Complex
NY NY 10035
Address

Prisoner ID#

UNITED STATES DISTRICT COURTHOUSE
EASTERN DISTRICT NEW YORK
PRO SE OFFICE
US COURTHOUSE
225 CADMAN PLAZA EAST
BROOKLYN NEW YORK 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ DEC 0 8 2008 ★
BROOKLYN OFFICE

Kindly list the defendants names and the addresses to wit they can be found
***PLEASE NOTE;all are sued in individual and official capacities policy considerations***
declaratory ,injunctive , punitive relief, monetary

1) Commissioner of New York City Police Dept
Deputy Police Commissioner
1A) UNITED STATES ATTORNEY'S OFFICE
CLERKS AND JUDGES "[illegible]" 28USC1915

1 Police Plaza
NYNY10006

2)Bivens Claim403 US 388 A group of officers
uniformed ,plainclothed from 109 precinct Flushing
Queens and from Brooklyn conducting arrest upon belief
Jan /08 or Feb /08 dismissed at arraignment /A.C.D.
April /08 involuntary committed

Union St Flushing
Queens

The City Municipality of New York
District Attorney Richard Brown
Assistant District Attorney prosecuting case - John Does

1 Centre St NYNY

125-01 Queens Blvd
Kew Garden s NY 11415

Assigned Legal Aid Attorney or Queens Law Associates
John Does Bivens Claim403 US388
An attorney named Salvatore of 18B staff

Honorable judges presiding in litigation
Desk Seargant of 109 precinct
An incident involving NYPD taking of property an giving it to
Sanitation Dept July 08

A reversed indictment in 1999 by New York State Appellate Div which brought plaintiff
into Mental Health /Order 2008
Et all in Official, Individual Capacities
Policy considerations ,declaratory injunctive, monetary , punitive

______________________________________